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**Before the:**

House Elections and Ethics Standing  
Committee Meeting  
Tuesday, May 18, 2021, 12:00 p.m., Room  
326, House Office (Anderson) Building, 100  
S. Capitol Ave., Lansing, MI 48933  
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**Also in support:** Eaton County Republican Women Alliance

**SUPPORT HCR 5: To reaffirm states' rights under the US Constitution to establish election laws.** Rep. Damoose

Pure Integrity in Michigan Elections, a group of 100-plus supporters primarily in Ingham, Washtenaw and Jackson Counties supports this bill in opposition to the federal government's raw overreach through US S. 1, AKA HR. 1. We are hardly alone in. Opponents outside of Congress include the National Disability Rights Network, a coalition of 130 non-profits that oppose being forced to disclose the names of donors, 16 Secretaries of States and other state election administration officials, and nine former FEC commissioners.

*Reasons for support of **HCR 5**:*

The comprehensive scope of HR. 1, now S. 1, prompted House Rules Committee Ranking Minority Member Tom Cole (R-OK) to remark during debate, "This is a bill that's about preserving the present Democratic majority. It is a bill by the majority, for the majority, and is intended to entrench the majority in power for years to come."

After losing in the courts and under the guise of maximizing voter participation and ending corruption, the Democrat party is seeking circumvent state laws and take over elections from Washington, D.C. But the U.S. Constitution, Article I, Section 4, Clause 1 states, "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

According to Supreme Court decision Oregon v. Mitchell (400 U.S. 112 (1970)), "It may not, however, under this clause, provide different qualifications for electors than those provided by the states."



It's important to note that Federal overreach would undermine not just our presidential and US congressional races, but our elections at all levels. If enacted into law, S. 1's policies will force states, for cost and ministerial reasons, to adapt their down-ticket elections to the same fraud-inducing policies. Otherwise, states will struggle to untangle a spider web of voter registration systems, their list cleaning, vote taking, and counting systems. Separate rules for voter registration and verification. Separate rules for ballot casting and counting. Separate election finance. A mess.

We should reject ceding any state authority to the federal government. To accomplish that the state must also resolve not to accept any federal funds in this regard.

S.1 would put a chokehold on election integrity.

- It prohibits requiring photo identification, notarization, or witnesses for absentee ballots.
- It discourages citizens from speaking out when they see fraud.
- It forces all states to allow ballot harvesting, a practice in which third parties—often paid, political operatives—collect and return marked mail ballots. Laws restricting harvesting are cherished because they deter fraud. They preserve a marked-ballot's chain of custody and prevent coercion and undue influence on the elderly and infirm.
- S. 1 restricts states from cleaning up their voter rolls to ensure that only eligible voters can cast ballots. Under current federal law, a state must stop programs to remove ineligible voters from the rolls within 90 days before a federal election. This blackout period already significantly limits a state's ability to remove voters who may have moved away, died, or otherwise become ineligible to vote. Passage of this bill would expand that blackout period for many programs to six months before any federal election. Not only will this prevent states from cleaning up their rolls in a federal election year, it will also expand that period into the off years.
- S. 1's restrictions abandon any pretense of concern about this issue, once welcomed as reasonable and routine by both parties.
- S. 1 doesn't end with these draconian changes. It establishes millions of dollars in new campaign funding sourced from corporations.
- It creates a tax-funded revenue stream for federal campaigns, which effectively means that conservative taxpayers in Michigan will be paying for the re-election campaigns of Democrats in California—and Democrat taxpayers will be footing the bill for Republicans in red states. S. 1 creates access to more than \$7 million in public funds to provide a 6-to-1 funding match to small donations.
- In a breathtaking act of hubris, S. 1 enables incumbent congressmen and their challengers to draw a salary from campaign funds. No joke.
- S. 1 creates extensive new restrictions on freedom of speech during campaigns. It requires religious and non-profit advocacy groups to disclose the names of their donors. Antifa and BLM thugs would love that.
- This alarming affront to our republic politicizes the Federal Election Commission—the bipartisan entity that regulates federal campaign funding. Currently, the commission has six members—three Republicans and three Democrats. In the spirit of the “For the Corrupt Politicians Act,” the legislation would change the membership to five, so that the party in power will control the body charged with enforcing election law.



The dangers of one-party rule can hardly be overstated. Just ask the people of China or Iran...no, wait, those citizens express dissent on pain of death. Just ask the Chinese Communist Party or the Shia Islamist autocrats pulling the strings in Iran.

Totalitarian rulers rarely stick to their turf. Drunk on their absolute power, they are the first to steer their ships of state to **war**. Witness Adolf Hitler, Joseph Stalin, Benito Mussolini, and let us not forget Mao Zedong, the favorite hero of China President Xi Jinping.

Cynics say that those who oppose this legislation want to restrict people from voting. This is malignant doublespeak. Contrary to political fearmongering, Michigan's laws—found constitutional by the US Supreme Court—have not negatively impacted voter participation. In reality, every illegal vote silences one legal vote.

While **HCR 5** lacks the teeth of a constitutional amendment or a bill enacted into law, it represents a logical first step toward a Constitutional Amendment to protect Michigan residents' right to a free and fair, state-governed election process.

**Becky: AMEND HB 4837 which prohibits access to qualified voter file by organizations and nonaccredited election officials.** Rep. Sarah Lightner (R)

PJ comments: If something can be hacked, it will be hacked. Application Programming Interface (API) is a connection. Any electronic connection can be hacked.

**AMEND VIA [bracketed] LANGUAGE: The secretary of state and each county, city, or township clerk shall not allow an [individual organization], an individual employed by, contracted by, or associated with an organization, or a nonaccredited election official to access the qualified voter file. [The Michigan Department of State will enter into no data sharing agreement with a private entity for the purpose of voter registration. Nor will it establish voter registrations via any application programming interface.]**

4) A ~~designated voter registration agency or a county, city, or township, or village clerk~~ shall not add to, delete from, or change any information contained in the qualified voter file during the period beginning on the seventh day before an election and ending on the day of the election.

(5) The secretary of state shall create an inactive voter file.

(6) If an elector is sent a notice under section 509aa to confirm the elector's residence information or if an elector does not vote for 6 consecutive years, the secretary of state ~~[shall place the registration record of that elector in the inactive voter file~~ **will deem the voter inactive and will purge the registration record of that elector for the inactive voter file** ~~The registration record of~~



~~that elector must remain in the inactive voter file until]~~ until 1 of the following occurs:

~~[(a) The elector votes at an election.]~~

~~(ba)~~ The elector responds to a notice sent under section 509aa.

~~(eb)~~ Another voter registration transaction involving that elector occurs.

~~[(7) While the registration record of an elector is in the inactive voter file, the elector remains eligible to vote and his or her name must appear on the precinct voter registration list.]~~

~~(8) If the registration record of an elector is in the inactive voter file because the elector was sent a notice under section 509aa to confirm the elector's residence information and that elector votes at an election by absent voter ballot, that absent voter ballot must be marked in the same manner as a challenged ballot as provided in section 727.]~~

**HB 4838. AMEND. Provides for prohibiting connection of the electronic voting system, and electronic poll book, [voting machines, or tabulators] to the internet intranets, virtual private networks or any form of electronic communication on election day** (Rep. Green).

**(4) In each election precinct on election day, the electronic poll book must not be connected to the internet, [intranet, virtual private networks, or to any form of electronic communication [after the polls open and until the results have been tabulated for that precinct.]**

**(o) Not be connected to or operated on the internet, [intranet, virtual private networks, or to any form of electronic communication] until after results have been tabulated and only for the purpose of uploading those results to the appropriate clerk.**

ADD all of the following:

- 1) No voting terminals or tabulating systems will connect to the internet, intranets, virtual private networks, or any form of electronic communication.
- 2) Each tabulator machine will mark each ballot that it counts with a machine-readable mark indicating that ballot has been counted. In this way, ballots will be prevented from being counted more than once. The machine will be programmed not to recount any ballots bearing such mark.
- 3) In the event that a machine recount becomes necessary, the machine will

contain a toggle switch or coded key that enables it to read previously counted/marked ballots. During recounting, the machine will then mark each ballot with a second, distinguishing mark to indicate the ballot was recounted.

- 4) All Dominion, Smartmatic, ES&S, and Hart vote machines and all software sharing the same or similar source code as used in any of these systems will be removed. All tabulators or voting machines, all software from, related to, or sharing components or software code as Dominion and Smartmatic will be removed. The prior systems will be returned or new systems bought or leased to replace them, such as the MIT computer science-department or the State of Texas recommends.
- 5) In addition to securing the voting machines, the US Election Assistance Commission (EAC) will inspect and certify the underlying infrastructure of voting machine manufacturers, state election infrastructure, and the supply chain security of the voting machines.
- 6) The EAC's authority will expand to include not only the voting systems that are submitted for voluntary certification but also the full spectrum of vendor products and services in the vote system supply chain, to include components sourced for noncertified products and services.
- 7) Michigan voting machines will use and contain only US-made, certified tamper-proof, and inspected hardware and software to include programming code, surface mounts, capacitors, resistors, inductors, and other devices. No products are allowed to be sourced from Communist China-based or Communist China-owned manufacturers or countries deemed unfriendly to the US, including but not limited to Iran and Russia.
- 8) Vendors will report breaches, screen employees' backgrounds, patch security flaws, report foreign ownership or control, and ensure the physical security of sensitive software and hardware.
- 9) Supply chain audits will be performed by certified and state-approved IT professionals to determine if organizations in the supply chain have implemented information security governance programs and compensating controls to reduce risks to acceptable levels.
- 10) Breaches of chain of custody or any of the regulations above will result in an automatic hand count, forensic audit, or revote.
- 11) BBVE uses proprietary, non-public software and hardware designs, and according to a study by Princeton University, is susceptible to undetected hacking and manipulation. The use of all black box voting equipment should be prohibited.
- 12) The alternative is to mandate that all election equipment use open-source software and design that is available for inspection and review by the public and



- technology organizations to ensure the validity and accuracy of vote counting.
- 13) Best solution to remove the potential for tampering as well as the suspicion of tampering is to have dumb tabulator machines, open-source election software and hardware, and paper ballots.
  - 14) 12) All election data and the processing of election data should be prohibited from leaving the boundaries of the US.
  - 15) Voting precincts will report the total number of in-person and absentee ballots received one hour after polls close to identify the total universe of votes to be counted in the election.
  - 16) All eligible ballots will be counted and reported within 24 hours after the polls close on Election Day to promote certainty in the outcome of an election.
  - 17) Counties with the largest number of registered voters will report their final and certified election results before other, smaller counties submit their final election results.
  - 18) Communication between these counties or other election officials is prohibited prior to the canvassing of the last county.

**AMEND HB 4839. Modify and expand election options on absent voter ballot applications.**

Rep. Brad Paquette (R)

**Allows for absentee voters to vote for all elections that year**

An application for an absent voter ballot under this section may be made in any of the following ways:

**(c) On an absent voter ballot application form provided for that purpose by the secretary of state.**

**In addition, the clerk of a city or township may provide, [only upon elector wet signature request] an annual absent voter ballot application to an elector that allows an elector to select any or all of the elections to be held in the calendar year.**

- To apply for an absentee ballot, a voter will validate his or her identity and residency with a non-expired state-issued ID card or driver's license or federally issued ID. (MCL addressing Voter Identification: 168.499, 168.499e, 168.500c repealed 12/31/18.)
- Only the local or county clerk may circulate absent ballot application forms, and the local clerk will send these forms only to a voter who has requested an absentee ballot for that specific election and only that election.
- The Secretary of State and county clerks shall be prohibited from mailing unsolicited absentee ballot applications or ballots to electors.
- Both the application request and voting will require a wet, verified signature. Signing an electronic pad at the secretary of state's office while getting a driver's license does not provide a verifiable signature. The employee at the SOS office needs to print out a form and witness the



applicant's actual signature, which can be sent to the local clerk. The constitutional amendment in 2018 did not authorize electronic signatures.

- Absentee voter mail ballot signatures will match the most recent signature on file to be counted.
- The major political parties and candidates will be included in observing the signature matching process.
- Absentee ballots should be returned only to the locations of the voter's local offices of the county boards of elections.
- Absentee ballots should be returned and received by the clerk by the time polls close on Election Day.
- The county and local clerks will alert voters of election process changes.

**AMEND HB 4840**. Extend, and provide for a record retention period for electronic poll book software record retention period for election ballots. Rep. Borton.

Sec. 847. **(1)** The secretary of state may authorize the release of all ~~ballots,~~ ballot boxes, voting machines, and equipment after ~~30 days~~ **[22 months]** following certification of an election by the board of state canvassers in a precinct other than a precinct in which 1 or more of the following occur: